

# MEMO ENDORSED



U.S. Department of Justice

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Civil Division

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April 18, 2024

Via CM/ECF

Hon. Victoria Reznik  
United States Magistrate Judge  
The Hon. Charles L. Brieant Jr. Federal Building  
and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

Re: *Clemente v. Commissioner of Social Security*<sup>1</sup>  
Civil Action No. 7:23-cv-11115-KMK-VR  
Letter Request for Extension of Deadlines

Dear Judge Reznik:

This Office represents the Commissioner of Social Security (Commissioner), the Defendant in this matter. We write to respectfully request an extension of the Commissioner's Brief deadline in the above-referenced Social Security case.

Pursuant to the Supplemental Rules for Social Security Actions effective December 1, 2022, the Commissioner's brief is due to be filed by April 24, 2024, and Plaintiff's reply brief is due to be filed by May 8, 2024. *See* Suppl. R. 7, 8. The undersigned is experiencing a heavy workload and thus, respectfully requests additional time to file the Commissioner's Brief. The undersigned proposes the following modified and comprehensive schedule for future filings in this case:

- Defendant's Brief shall be filed by May 24, 2024; and

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<sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

- Plaintiff's Reply Brief shall be filed by June 7, 2024.

This is the first request for extension in this case. Plaintiff's counsel consents to this request. We thank the Court for its consideration of this request.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

BY: /s/ Avni Gandhi  
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cc: Eddy Pierre Pierre, Esq. via CM/ECF

The Commissioner's request for a 30-day extension of time to file his brief is **GRANTED**. The Commissioner's brief shall be filed by **May 24, 2024**. Ms. Clemente's reply shall be filed by **June 7, 2024**.

The Clerk of Court is respectfully directed to terminate the pending letter motion at ECF No. 11.

Martin O'Malley became the Commissioner on December 20, 2023. He is substituted for the former Acting Commissioner, Kilolo Kijakazi, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure. The Clerk of Court is respectfully directed to amend the official caption to reflect this change.

**Dated:** April 19, 2024

APPLICATION GRANTED



Hon. Victoria Reznik, U.S.M.J.